

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
August 26, 2008**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:00 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Morse, Siegel, Smith (alt. for R. Sines), Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Webster, Radachy, and Ms. Myers.

MINUTES

Ms. Hausch said "Mr." should be changed to "Ms." Hausch on page 1 as the second on the motion for the July 29, 2008 minutes.

Mr. Morse moved and Mr. Smith seconded the motion to approve the July 29, 2008 minutes with the above-stated correction.

All voted "Aye".

FINANCIAL REPORT

Ms. Pesec moved and Mr. Brotzman seconded the motion to approve the July, 2008 Financial Report as submitted.

All voted "Aye".

PUBLIC COMMENT

There was no comment from the public.

LEGAL REPORT

Ms. Nocero mentioned that the Planning Commission was subpoenaed in a lawsuit that had to do with a homeowner along with the Utility Department, the County Engineer, and the Soil and Water Conservation District. The office had responded to the subpoena.

DIRECTOR'S REPORT

Mr. Webster reported that Ms. Hausch and Mr. Siegel were reappointed to the Planning Commission by the Board of Lake County Commissioners this month. The staff is working with all the comprehensive plans for Madison Village, Madison Township and the Madison Township S.R. 20 Corridor Plan. He thought the land use would be wrapped up this month and the plans should be finished in a month or two. He stated that Mr. Boyd is working with the City of

Eastlake and has two months of meetings behind him.

Mr. Radachy stated he is handling Fairport Harbor's rewrite of zoning regulations, at Mr. Webster's request, for architectural review, site plan review, parking and several other items that needed updating in their zoning text. They are about halfway through the contracted period of 120 days and will be presenting the material they have to the Council soon.

Mr. Webster continued saying that staff had met with the Painesville Township Trustees on August 5 and they requested the staff to revamp their B-1 District and to eventually do upgrades in all of their B districts. This work is to be done in the next two to three months.

Mr. Zondag asked about the Perry Township Lane Road Corridor Plan. Mr. Webster reported there had been only two meetings so far and this month's meeting was postponed because outside agencies and stakeholders who were contacted to speak were unavailable.

Ms. Hausch asked what was being done in Eastlake. Mr. Webster answered that staff was asked to combine a number of comprehensive plans or portions of plans that were done over the last ten years and develop a unified plan for the City of Eastlake. They are primarily interested in the Chagrin River corridor and other areas along their major thoroughfares and undeveloped areas.

Mr. Radachy said that Chagrin River Watershed Partners is working on a pilot program of the Lake Erie Commission where they are identifying primary conservation areas and primary development areas for Eastlake. The Planning Commission will be receiving some funding from the Chagrin River Watershed Partners to do this plan.

Mr. Webster said this will fit into the Chagrin River Watershed Partners overall plan based on balanced growth. They are one of the pilot tests defining the watersheds along the lake shores for an overall development pattern to do whole or partial watershed plans keyed to their ability to get state funds in the future.

ANNOUNCEMENTS

Mr. Webster said there were no announcements.

SUBDIVISION REVIEW

Concord Township - Summerwood, Phase 1 Maintenance Bond

Mr. Siegel called for a motion to remove the Summerwood, Phase 1 Maintenance Bond from the table.

Mr. Smith moved to remove the Summerwood, Phase 1 Maintenance Bond from the table and Mr. Brotzman seconded the motion.

All voted "Aye".

Mr. Radachy explained there were three Summerwood subdivision issues on the agenda this month. The Summerwood, Phase 1 maintenance bond was discussed last month and is to be

considered at this time.

Last month, Independence Excavating presented a maintenance bond and a letter from the County Engineer recommending that the Board authorize the release of the funds remaining in the performance surety for the completed work and to accept a two-year maintenance surety effective August 30, 2007. The Lake County Subdivision Regulations would not allow us to accept a bond because, according to the Board of Lake County Commissioners, they were two years past that resolution and the bond would run out long before the time period set by the Commissioners' resolution. After a discussion with the Prosecutor's office, it was decided that the Planning Commission should recommend a one-year bond to the Commissioners. Before this could be done, it was discovered that the developer had not posted a maintenance bond for sanitary sewer and water lines with the County Utilities Department. The maintenance bond discussion was tabled at this point.

Mr. Radachy read a comment sheet returned by the County Engineer stating, "The developer posted the construction surety on January 27, 2005. We would recommend going into maintenance June 29, 2006. The development is only required to have a two-year maintenance bond. Can we consider the maintenance bond period fulfilled?"

The County Sanitary Engineer recommended approval and stated the maintenance period was fulfilled on his comment sheet. They had been holding more than 10% money for this sanitary sewer. It had been given an inspection. They had a problem with it going outside the maintenance period.

We would need a motion from the Commission members to send a letter to the County Sanitary Engineer to request that the Board of Lake County Commissioners release the construction surety on that portion of the utilities and to not accept the maintenance bond.

Mr. Radachy stated, after this is done, the one-year maintenance period can be considered for Independence Excavating. The office received a copy of an email from Mr. Terrence Gerson, Service Director for Concord Township sent to Mr. George Hadden, County Engineer's Office. It says, "I noticed the Planning Commission is meeting on August 26, 2008 to discuss the maintenance bond for Summerwood, Phase I. Be advised that there is still a number of catch basins in the Subdivision that are lifting out of the ground due to improper construction. I have raised this issue several times and there has been no corrective action taken." Mr. George Hadden notified Mr. Radachy by email that he was aware of this issue with Summerwood, Phase I. He stated the problem occurred after they had recommended the subdivision be placed into maintenance. He had contacted Mr. Mulchin and had not heard back from him. Mr. Hadden will be out of town for this meeting, but suggested it would be best to hear from the developer before proceeding with the maintenance period issue.

Mr. Radachy said he and Mr. Hadden discussed the option of this Commission recommending a one-year bond, but he was instructed to hold that bond until these issues are resolved. As soon as these issues are resolved, it can be taken to the Commissioners.

When asked his opinion, Mr. Joseph Gutoskey of Gutoskey & Associates said this was

the first he had heard of this issue.

Mr. Webster stated that he and Mr. Radachy had done a field check on this subdivision and had found four catch basins that were rising up out of the ground and one that looked as though it was a little depressed.

Ms. Pesec was concerned that the problem of maintenance bonds keeps coming up on a regular basis where they do not seem to be happening when they should.

Mr. Radachy replied that it was partially due to the tight economy. Some of the developers are unable to obtain bonds because they only have so much credit to get bonds and they have so many outstanding, they cannot obtain new bonds. Changes are going to be made that will allow the construction surety money itself to be turned into a three-year maintenance bond. This should cut down on these cases in the future. The Regulations state they have to post a two or three-year bond depending on the timing. There is no room for staff to mitigate this. It is up to the Commission to release them or to not release them. The County Engineer, in most cases, has already reviewed the subdivision and already given their approval.

Mr. Radachy continued that a catch basin is a construction issue, not a maintenance issue. Currently, if the bond would have been posted in August of 2007, we would not have been able to touch these catch basins until August of 2009 when staff would send a notice to the County Engineer to do a final inspection before the maintenance bond would expire. In this case, the developer was recommended to go into maintenance, but technically is not in maintenance yet. If a two-year bond had been posted, the inspector would have caught this prior to putting this into maintenance. The Board needs to make a decision on whether he is considered in maintenance and unable to have these fixed until June of 2009; tell staff they have a one-year period and one year has been completed; do not take this issue to the Commissioners until these catch basins are fixed; or to decide on a one-year bond and have the County Engineer go to the Commissioners in 2009.

Mr. Smith suggested asking the County Engineer to assess the catch basin situation and give the Planning Commission a report.

In addition, Mr. Siegel wanted the legal counsel to review and recommend on this situation.

Mr. Webster stated he could not understand why a developer would not get the money out of a construction surety and put it into maintenance as soon as possible because they are losing money in the interim. The Utilities Department is then put in a position to ask for the maintenance time to be lowered on the developer's behalf because the allotted time for a maintenance surety has almost lapsed and they have been holding it in the construction surety for an extended period of time. The question is whether 10% is enough to cover the catch basin problem and will there be two or four more with the same problem within a year.

Mr. Gutoskey said these have been in for four years and it would have already happened

by this time.

Mr. Reibe commented that the Sanitary Engineer said it could be released. Mr. Webster stated it could have been released three years ago, but it is the responsibility of the developer to go to the Utilities Department and ask for the releases and post the maintenance surety. It is not the Utilities Department's responsibility to do that. There are two issues; one, they need a release on the utilities portion, which seems to be acceptable and; two, there is the roads and drainage problem, which is not acceptable. There are two problems and two different maintenance bonds.

Mr. Reibe asked if the sanitary portion could be released and was told by Mr. Webster that the Planning Commission will be making that decision.

Mr. Radachy clarified, at Ms. Pesec's request, that the utilities needed to be considered first. If this Board recommends to the County Utilities Department to recommend to the County Commissioners to release the surety, they will pass a resolution to release that portion of the construction surety. The other portion of the construction surety for roads and drainage would still remain in place until the maintenance issue and the catch basin issue is resolved.

Mr. Zondag wanted to go back to the County Engineer and ask him to re-check the situation now that we know something is wrong.

Mr. Webster stated that this would become the Township's responsibility if it is not fixed before it goes into maintenance. Usually a developer will take care of these problems before the Township takes over maintenance. He said the Commission needed some assurances from the developer that the catch basin situation will be taken care of and that they would not have to take that maintenance bond in order to do this.

It was decided to recommend first on the utilities maintenance and then the on the roads and drainage maintenance issue.

Mr. Adams moved to follow the Sanitary Engineer's recommendation for approval for the surety bond for sanitary and water. Mr. Smith seconded the motion.

Mr. Brotzman asked for clarification on the vote. He had a question on Mr. Saari's letter of August 19. Is he saying because it was done in 2006, it is okay to release or is he saying it has been checked again and that it should still be released? Mr. Radachy stated that Mr. Saari is a stickler and would not sign without doing due diligence.

Mr. Brotzman continued by asking if we should assume that he knows there were issues that caused the rising of the storm drains? Mr. Radachy said storm sewer and sanitary sewers are two separate issues. Mr. Radachy and Mr. Webster replied that sanitary sewers are deeper and less vulnerable to the conditions that may have caused the catch basin problem and water is running through them at all times. Mr. Radachy stated that a problem in the sanitary sewers would be known by everyone in the subdivision.

All voted "Aye".

Ms. Peseć moved to table the construction surety / maintenance bond for roads and drainage until comments were received from the County Engineer and legal counsel on the catch basin issue. Mr. Smith seconded the motion.

All voted "Aye".

Concord Township – Summerwood, Phase 3 – Final Plat and Improvement Plans

Mr. Radachy introduced this subdivision as the third phase of the Summerwood Subdivision with 125 total lots, which was changed from R-4 to R-2 PUD zoning in 2003. This phase has 11.638 acres of the required 59 acres of open space, leaving 3.46 acres for the future phases. The subdivision is located west off S.R. 608 and south of Girdled Road with one cul-de-sac and seven lots on 15.616 acres of land. The following stipulations and comments were submitted:

Proposed Improvement Plan Stipulations:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. *Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C*
2. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. Remove president from Robert Aufuldish's signature line and add a signature line for City of Painesville Engineer.
4. The utility ownership on page two lists the wrong utility companies. It lists Ameritech instead of SBC, TCI Cable instead of Time Warner Cable and Dominion East Ohio instead of Orwell Natural Gas.
5. Fire flows must meet the ISO minimum requirements for size, type and spacing for structures built. *Concord Twp. Fire Dept.*
6. Hydrant flows must be 750 gallons per minute minimum. *Concord Twp. Fire Dept.*

7. Hydrant steamer outlet shall be 5" Stortz fitting on all hydrant installations, and future installations. *Concord Twp. Fire Dept.*
8. Final approval could be forthcoming when detailed construction plans are submitted to the Lake County Department of Utilities for review and comment. *Lake County Utilities Dept.*
9. Pavement Design shall be based on Soil Analysis and AASHTO design parameters and shall have a minimum asphalt thickness of 7 inches. *L. C. Engineer*
10. Stormwater Management shall conform to LC Standards and Stormwater Management Department Rules and Regulations. *L. C. Engineer*
11. Proposed subdivision grading shall direct runoff away from existing phases. *L. C. Engineer*
12. The District has not approved the Erosion and Sediment Control Plan portion of the Improvement Drawings to date. Revisions are required. *LCSWCD*
13. Identify existing and/or proposed contour lines on grading plan. *Art. III Section 4(D)(1)(i) and Concord Service Dept.*

Proposed Improvement Plans Comments:

1. Streets and fire hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept.*
2. Building numbers or identification must be provided during all phases of construction of any structure. *Concord Twp. Fire Dept.*
3. Street name signs and "No Parking on Hydrant Side of Street" signs shall be provided and installed prior to the start of construction of any structure. *Concord Twp. Fire Dept.*
4. Street name signs and mailbox house numbers must be in accordance with the Ohio Fire Code 505.2 and double sided. *Concord Twp. Fire Dept.*
5. Fire hydrants may be spaced no further than 500 feet apart. *Concord Twp. Fire Dept.*
6. Potable water to be supplied by Painesville City per their "Franchise Agreement" with the Board of Lake County Commissioners. *Lake County Utilities Dept.*
7. Intersection details of cul-de-sac. *Concord Service Dept.*
8. Backfill of utility trenches under pavements and within zone of influence? Compaction of wide trenches near pavement edges. *Concord Service Dept.*
9. Removal of dead or dying trees adjacent to private property lines in open spaces.

Concord Service Dept.

10. Testing of pavement subgrade compaction? *Concord Service Dept.*
11. The Illuminating Company has no cause to recommend approval be withheld for Summerwood Phase 3. *Illuminating Company*

Proposed Final Plat Stipulations:

1. The subdivider shall set all permanent monuments for subplot corners prior to the recording of the subdivision. *Article I Section 4(H)*
2. All permanent monuments for the centerline shall be set prior to recording the plat or the final release of the construction surety and acceptance of the maintenance surety. *Article I Section 4(I)*
3. A vicinity map is required to be on the cover sheet. *Article III Section 6(D)(1)(j)*
4. Subdivision does not meet zoning. There is not enough open space dedicated in the last two phases. *ORC 711.10*
 - a. The total open space provided in the existing and proposed phases of the Summerwood Subdivision does not meet the minimum amount required of 59 acres, as per the agreement between Concord Township and Westminster Abbey, Inc. (Thomas Riebe, President) under the Declaration of Restrictive Covenants (March 2003). The total amount of open space proposed in Ph. III and IV and recorded in Ph. I and II is 58.59 acres. In order to comply with the terms of the agreement, the amount of open space still needed in the proposed phases is .41 acres. The Township recommends that the additional open space required be included in Ph. IV to increase the narrow open space areas behind the proposed sublots. *Concord Township Trustees*

	Ph I	Ph II	Proposed Ph III	Proposed Ph IV	Totals to Date
Total Area	74.04 ac	26.39 ac	15.62 ac	12.04 ac	128.09 ac
Open Space	34.78 ac	9.12 ac	11.64 ac	3.05 ac	58.59 ac
No. of Sublots	68	33	7	17	125

5. The local service drainage easement that is located on the detention pond needs to have the title corrected. The width of the easement is greater than 20 feet and it should not be labeled as such. *Article III Section 6(D)(3)(k)*
6. All sublots shall have numbers. The subplot numbers on the plat drawing and the subplot

numbers listed in the dedication language do not match. This needs to be corrected. *Article III Section 6(D)(3)(f)*

- a. Under Ph. III, correct subplot number reference in paragraph 1 of the cover sheet of the plat from subplot “62” to “102”. *Concord Township Trustees*
7. N 59 Degrees 36’ 19” W property line of subplot 105 distance is unclear. *Article III Section 6(D)(3)(f)*
8. The use of similar lines for utility easement and 30’ setback makes it look like the utility easement is between the 12’ line and the 30’ line. *Article III Section 6(D)(3)(e)*
9. Time Warner provides cable service to the area. Please change Adelphia Cable to Time Warner Cable. *Article III Section 6(D)(1)(c)*
10. Add language to the cover sheet of the plat for both Ph III and IV regarding the use of open space areas. Specifically, at the end of the paragraph that reads “All common areas within the subdivision and all open area blocks deeded to Concord Township...up to a maximum of two pavilions within the open areas of the Summerwood Subdivision”, please add the following language: “The clearing of trees, dumping of brush or refuse, or the placement of structures within such areas owned by the Township, by individual property owners, is prohibited.” *Concord Township Trustees*
11. Plat shall make reference to a minimum two Ohio State Plane Coordinates. *L. C. Engineer*

Proposed Final Plat Comments:

1. Concord Township Fire Department will require a street name change if it is determined one is similar to others already established in Concord Township. *Concord Twp. Fire Dept.*
2. Recommend identifying side and rear setback lines on the lots in both phases to be consistent with the plats recorded for Ph. I and II. *Concord Township Trustees*
3. An issue continues to exist regarding the retention of mineral rights in open space areas, which the township feels is in violation of the Declaration of Restrictive Covenants agreed upon by the Township and the applicant. *Concord Township Trustees*

Mr. Radachy continued stating there had been some changes from the preliminary plan. The cul-de-sac has been turned in the opposite direction away from the stream and away from the wetlands. They also added 20-foot buffer strips between the sublots in this phase and the sublots in Phase 2.

The major issue commented by Concord Township was that the amount of open space combined for phases 3 and 4 was 0.41 acres short of the required 59 acres of land. This issue

needs to be taken care of in this phase or in phase 4.

The staff is recommending approval with 13 stipulations and 11 comments on the improvement plans and 11 stipulations and three comments on the final plat.

Ms. Pesec inquired as to the reason staff was recommending approval when the Township Trustees recommended disapproval and this a PUD.

Mr. Radachy replied that in the past with other subdivisions where we had discovered lots that were short a couple tenths of an acre in lot size, the Commission has only stipulated them. It would be unfair to this developer to deny the plats. Mr. Webster made additional comments stating there were ways to obtain the missing acreage. It could be stipulated to provide it or they will not get signatures.

Ms. Pesec could understand this in a preliminary plan where they would see it again, but here they are asking for final approval and it does not meet the zoning requirement.

Mr. Radachy said that the plat does not get a signature from this office until all stipulations are handled. In order for the plat to be approved, it is stipulated that 24 acres of open space must be provided. Neither phase 3 nor phase 4 would be signed until this extra acreage has been added to one of the phases.

Mr. Joseph Gutoskey of Gutoskey and Associates stated there were lots on the cul-de-sac that were more than what the zoning would have been and would allow for the .41 acre to be taken from them. He said it was his fault for adding improperly.

Ms. Pesec said that the open space in the old zoning was to be contiguous and large swaths of open space. She thought the location of the open space was critical, not just taking a little here or there. It would be very important when the developer looks at both of these phases to consider the Township's suggestion of increasing the narrow open space behind the proposed sublots. She also questioned the stream issue and was told the developer had turned the cul-de-sac the opposite way to avoid being too close to it.

Mr. Reibe and Mr. Gutoskey said they could definitely comply with the Township's request.

Ms. Luhta, Concord Township Trustee, said the Township was fine with what had transpired on this.

Mr. Morse moved to accept the staff's recommendation and Ms. Hausch seconded the motion to approve Summerwood, Phase 3 with 13 stipulations and 11 comments on the improvement plans and 11 stipulations and three comments on the final plat.

Seven voted "Aye".
One voted "Opposed".

Mr. Brotzman mentioned that the numbers of lots for the two phases were reversed on the agenda.

Concord Township – Summerwood, Phase 4 – Final Plat and Improvement Plans

Mr. Radachy introduced this subdivision as having 17 lots on 15 acres of land. There are 14 stipulations and nine comments on the improvement plans and six stipulations and seven comments on the final plat. Summerwood, Phase 4 has lots that are .4 average acreage in size. There is a .41 acre deficit of open space. There are no major changes to the preliminary plan. The following stipulations and comments were submitted:

Proposed Preliminary Improvement Plan Stipulations:

1. A Storm Water Pollution Prevention Plan must be prepared for erosion and sediment control. Effective March 1, 2000, an approved Erosion and Sediment Control (ESC) Plan shall be submitted after the approval of the Preliminary Plans and obtained prior to the approval of the Improvement Drawings by the Lake County Planning Commission (Section 5 of the Lake County Erosion and Sediment Control Rules, adopted 12/21/99). ESC Plan approvals shall be obtained through the Lake County Soil and Water Conservation District. Art. IV, Sec. 3, E - Art. IV, Sec. 3, F - Art. V, Sec. 4, A - Art. V, Sec. 4, B - Art V, Sec. 4, C
2. Until plats and plans for the subdivision are approved, properly endorsed and recorded, no improvements such as sidewalks, water supply, storm sewers, sanitary sewerage facilities, gas service, electric service or lighting, grading, paving or surfacing of streets shall hereafter be made by the owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent. *Art. I, Sec 4, B*
3. Remove president from Robert Aufuldish's signature line and add a signature line for City of Painesville Engineer.
4. The utility ownership on page two lists the wrong utility companies. AT&T should be listed instead of Ameritech, Time Warner Cable instead of TCI Cable and Dominion East Ohio instead Orwell Natural Gas.
5. Fire flows must meet the ISO minimum requirements for size, type and spacing for structures built. *Concord Twp. Fire Dept.*
6. Fire hydrants may be spaced no further than 500 feet apart. *Concord Twp. Fire Dept.*
7. Hydrant flows must be 750 gallons per minute minimum. *Concord Twp. Fire Dept.*
8. Hydrant steamer outlet shall be 5" Stortz fitting on all hydrant installations, and future installations. *Concord Twp. Fire Dept.*
9. Final approval could be forthcoming when detailed construction plans are submitted to the Lake County Department of Utilities for review and comment. *Lake County Utilities*

Dept.

10. Pavement Design shall be based on Soil Analysis and AASHTO design parameters and shall have a minimum asphalt thickness of 7 inches. *L. C. Engineer*
11. Stormwater Management shall conform to LC Standards and Stormwater Management Department Rules and Regulations. *L. C. Engineer*
12. Proposed subdivision grading shall direct runoff away from existing phases. *L. C. Engineer*
13. The District has not approved the Erosion and Sediment Control Plan portion of the Improvement Drawings to date. Revisions are required. *LCSWCD*
14. The storm cleanout proximate to the sublots 116 and 117 (Phase 4) is shown within the utility easement. It should be moved to within the dedicated ROW. *First Energy Corp.*
15. Identify existing and/or proposed contour lines on grading plan. *Concord Service Dept.*

Comments:

1. Potable water to be supplied by Painesville City per their "Franchise Agreement" with the Board of Lake County Commissioners. *Lake County Utilities Dept.*
2. Spacing of fire hydrants will be determined by Concord Township Fire Department and based on a case-by-case review. *Concord Twp. Fire Dept.*
3. Street name signs and mailbox house numbers must be double sided. *Concord Twp. Fire Dept.*
4. All cul-de-sacs must be provided with a minimum diameter of 120 feet. *Concord Twp. Fire Dept.* Concord Township Resolution 2004-05 requests a 110 foot pavement diameter, 120 foot pavement diameter at ROW line cul-de-sac. This subdivision conforms to that standard.
5. What is county standards width on residential streets? *Concord Service Dept.*
6. Backfill of utility trenches near pavements and within zone of influence? Compaction of wide trenches near pavement edges. *Concord Service Dept.*
7. Removal of dead or dying trees adjacent to private property lines in open spaces. *Concord Service Dept.*
8. Testing of pavement subgrade compaction? *Concord Service Dept.*

Final Plat Stipulations:

1. The subdivider shall set all permanent monuments for subplot corners prior to the

recording of the subdivision. *Article I Section 4(H)*

2. All permanent monuments for the centerline shall be set prior to recording of the plat or the final release of the construction surety and acceptance of the maintenance surety. *Article I Section 4(I)*
3. Crossroads of Summerwood Subdivision must be shown on the final plat of Summerwood Phase 4. *Article III Section 6(D)(3)(m)*
4. A vicinity map is required to be on the cover sheet. *Article III Section 6(D)(1)(j)*
5. Subdivision does not meet zoning. There is not enough open space dedicated in the last two phases. *ORC 711.10*
 - a. Disapproval: The total open space provided in the existing and proposed phases of the Summerwood Subdivision does not meet the minimum amount required of 59 acres, as per the agreement between Concord Township and Westminster Abbey, Inc. (Thomas Riebe, President) under the Declaration of Restrictive Covenants (March 2003). The total amount of open space proposed in Ph. III and IV and recorded in Ph. I and II is 58.59 acres. In order to comply with the terms of the agreement, the amount of open space still needed in the proposed phases is .41 acres. The Township recommends that the additional open space required be included in Ph. IV to increase the narrow open space areas behind the proposed sublots. *Concord Township Trustees*

	Ph I	Ph II	Proposed Ph III	Proposed Ph IV	Totals to Date
Total Area	74.04 ac	26.39 ac	15.62 ac	12.04 ac	128.09 ac
Open Space	34.78 ac	9.12 ac	11.64 ac	3.05 ac	58.59 ac
No. of Sublots	68	33	7	17	125

6. Plat shall make reference to a minimum of two Ohio State Plane Coordinates. *L. C. Eng.*

Comments:

1. Concord Township Fire Department will require a street “name change” if it is determined one is similar to others already established in Concord Township. *Concord Twp. Fire Dept.*
2. Streets and fire hydrants must be installed and operational prior to start of construction of any structures. *Concord Twp. Fire Dept.*
3. Building numbers or identification must be provided during all phases of construction of any structure. *Concord Twp. Fire Dept.*

4. Street name signs and “No Parking on Hydrant Side of Street” signs shall be provided and installed prior to the start of construction of any structure in accordance with the Ohio Fire Code 505.2. *Concord Twp. Fire Dept.*
5. Add language to the cover sheet of the plat for both Ph III and IV regarding the use of open space areas. Specifically, at the end of the paragraph that reads “All common areas within the subdivision and all open area blocks deeded to Concord Township...up to a maximum of two pavilions within the open areas of the Summerwood Subdivision”, please add the following language: “The clearing of trees, dumping of brush or refuse, or the placement of structures within such areas owned by the Township, by individual property owners, is prohibited.” *Concord Township Trustees*
6. Recommend identifying side and rear setback lines on the lots in both phases to be consistent with the plats recorded for Ph. I and II. *Concord Township Trustees*
7. An issue continues to exist regarding the retention of mineral rights in open space areas, which the township feels is in violation of the Declaration of Restrictive Covenants agreed upon by the Township and the applicant. *Concord Township Trustees*

One of the stipulated issues is that Crossroads of Summerwood is not marked like phase 1 is marked and it is required to be done that way on the plat.

The staff recommended approval with 14 stipulations and nine comments on the improvement plans and six stipulations and seven comments on the final plat.

The following questions and concerns were made by Commission members:

- Staff recommendation item #3 was questioned stating to remove president from Mr. Aufuldish’s signature line and add a signature line for City of Painesville Engineer. Mr. Radachy said this is only on the improvement plans. Mr. Webster said the title “President” is discouraged to be place on the plans for the Commissioners and the Trustees because it is not known when they will actually go through and the title could change to someone else.
- Improvement plan comment #4 concerning the cul-de-sac was questioned. Mr. Radachy said the Lake County Subdivision Regulations state there should be a 100-foot pavement diameter and 110 feet on the right-of-way unless the township requests a larger cul-de-sac up to 120 feet on pavement and 130 on right-of-way. The Concord Township Fire Department is requesting that there should be a 110 foot pavement diameter and a 120 foot pavement diameter for the right-of-way line cul-de-sac per the Township’s Resolutions.
- Improvement plan stipulation #12 concerning the Lake County Soil and Water Conservation District’s not approving of the Erosion and Sediment Control Plan and that revisions are required. Mr. Radachy stated this is the first time the Soil and Water

- District has seen the preliminary improvement plans for these two phases. In order for the developer to get the plan approved by them, they will have to make all the required revisions.
- Final plat comment #5 should read clearing of trees, not charing of trees in both phase 3 and phase 4.

Mr. Morse moved to approve Summerwood, Phase 4 preliminary improvement plans with 14 stipulations and nine comments and the final plat with six stipulations and seven comments. Mr. Smith seconded the motion.

Seven voted “Aye”.
One voted “Opposed”.

Subdivision Activity Report: Mountaintop Estates

Mr. Radachy stated Mountaintop Estates was recorded last month and addresses were issued. This subdivision is connected by Laydon Lane to Mountainside Farms, Phase 1 and Public Hill Drive, which is a proposed road in Mountainside Farms, Phases 3A and 3B. There was an area of wetlands at Mountaintop that was placed into an easement that is private land and the restrictions of putting structures into that area is the responsibility of the homeowners association. It is possible it could have just been deed restricted.

LAND USE AND ZONING

Concord Township – Proposed Amendment to Section XXII, B-1, GB, BX & RD-2 District Regulations; Section XXXVIII, Landscaping & Screening; Section V, Definitions; and Section XXIX, Parking

Concord submitted text changes to Sections XXII (District Regulations), XXXVIII (Landscaping and Screening), V (Definitions), and XXIX (Parking). Staff explained that these were changes to the regulations were requested because there were issues on how they were written.

In Section XXII, Concord Township was increasing the site plan size exemption for accessory buildings from 200 square feet to 1500 square feet because that is the maximum accessory building square footage that a property owner can have on an R-1 lot. It is a burden to require a property owner to submit for a site plan review on an accessory structure in a B-1 district when an owner in an R-1 lot could have the same size building approved administratively.

In Section XXXVIII, the Township lowered the mound height from three feet to two feet. This would allow for new storm water detention techniques. They also raised the fence height for side and rear yard in the business zones from 4 feet to 8 feet, which is the residential standard. They also lowered the mounding requirements from 3 feet to 2 feet to allow for new types of bioswales and other innovative ways to handle stormwater.

In Section V, the Township created definitions of floor area, gross; floor area, usable;

story; and story and a half. These are terms that are being used in recent text changes and needed to be defined. The two floor area definitions were meant for the parking regulations. The gross area and net gross area is parking and the story and half story is building descriptions.

The Township added useable floor area to several of the parking standards because it was a fairer way to administer the parking code. For example, they are now using useable floor area for Veterinary Clinic because of the large amount of space used for storage of supplies and animal waiting areas.

Land Use and Zoning recommended making all the above changes.

Ms. Pesec moved to accept the Land Use and Zoning recommendations on the proposed amendments to Sections XXII, XXXVIII, V, XXIX stated above and Mr. Morse seconded the motion.

All voted "Aye".

Painesville Township – Proposed Text Changes to Section XXV, Light Industry and Manufacturing I-1

Mr. Radachy introduced this proposed text change review by Painesville Township. He stated this was submitted late and concerned proposed text changes to their light industry and manufacturing I-1 text. The text change involved adding language that would require a conditional use to be obtained after the Trustees approved a similar use.

The staff and Land Use and Zoning recommended that conditions should be established in Section XII for similar uses and this language should be added to B-1, B-2, B-3, and I-2.

This part of the text change would make rock crushers and storage of hazardous materials prohibited in the light industrial zone. Staff recommended that this text should be in Section 6.02 and it should be broken up by use. 6.02 K would be rock crushing, 6.02 L would be storage of hazardous material. This way they would be prohibited in all zones.

Land Use and Zoning agreed that this language should be a prohibited use and recommended the text changes with the staff's suggestions.

Ms. Hausch moved to accept the recommendations of Land Use and Zoning for the Section XXV, Light Industry and Manufacturing I-1 text. Mr. Brotzman seconded the motion.

All voted "Aye."

Painesville Township – Proposed District Amendment from R-1, Residential to B-1, Commercial

Mr. Radachy stated that this proposed district amendment was referred to the staff by Painesville Township concerning permanent parcel #11-A-007-C-00-001-0 with 1.983 acres of land off Johnnycake Ridge Road from R-1 to B-1. He showed the land use of the area and stated this was the second time the owners of Quirke's Carriage House, an ice cream store, had asked for a district change. They asked for a similar district change in 1994 and were denied. Staff

stated that the Township changed zoning on what was left of the property that had their ice cream stand from B-2 to R-1 in July, 1994. The owners of the ice cream stand then moved behind the gas station on Liberty Street when the other store was torn down. Now the owner of the land that the ice cream store is on wants to use it to expand the gas station to the south and tear down the building so the ice cream stand owner is making the request again.

Land Use and Zoning recommended the district change be denied because it does not conform to the 2007 Comprehensive Plan. There are other places this business could go.

Mr. Zondag asked why this request for an ice cream store on an almost commercial road where traffic would not be impeded in this residential neighborhood would be a problem.

Mr. Radachy replied because the 2007 Comprehensive Plan shows this area as residential. He also stressed the fact that right now this is being considered for an ice cream store but, in the future, two acres provides enough land to put office buildings or some other type of business on it if it were rezoned B-1. Changing this may also lead to other properties next to it being rezoned to B-1.

There was discussion among the members concerning the unfortunate history of the business of this landowner with the State forcing them to move, the Township wanting to retain this area as residential per their comprehensive plan, possible grandfathering situation, and Union Sand conforming to I-2, Industrial.

Mr. Adams moved to accept the recommendations of the Land Use and Zoning Committee and Ms. Pesec seconded the motion.

The Chair called for a roll call vote.

Mr. Webster called for the vote as follows:

Mr. Adams – Aye.	Ms. Pesec – Aye.
Mr. Brotzman – No.	Mr. Smith – No.
Ms. Hausch – No.	Mr. Zondag – No.
Mr. Morse – Aye.	Mr. Siegel – No.

The motion was denied.

LAND USE AND ZONING

Reappointments: Hullihen and Terriaco; Appointment: Urbanski

Mr. Radachy stated that Concord Township had asked for Messrs. C. Richard Hullihen and Richard Terriaco to be reappointed as their representatives on the Land Use and Zoning Committee. Mr. Howard Haycox has elected to resign from the Committee and Painesville Township has requested he be replaced by Mr. Vince Urbanski. Mr. Lee Bodnar has been recommended for reappointment as a Painesville Township representative.

A resolution for Mr. Haycox's services has been signed and will be mailed.

Ms. Pesec moved to accept the resolution for Mr. Howard Haycox and Mr. Adams seconded the motion.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

Mr. Webster reported that there would be a meeting of the Coastal Plan Committee tomorrow night, Wednesday, August 27, 2008 at 6:00 p.m. at the Perry Township Community and Senior Center at the end of Perry Park Road.

CORRESPONDENCE

There was no correspondence to present.

OLD BUSINESS

Lake County Subdivision Regulations Amendments

Mr. Siegel said he would like to see the staff go back to Painesville and Concord Townships and go over their concerns with them. This Board will review them and consider them at the next Planning Commission meeting.

Ms. Pesec moved to table the Lake County Subdivision Regulations amendments to the September 30, 2008 meeting. Mr. Adams seconded the motion.

All voted "Aye".

ADJOURNMENT

Mr. Zondag moved to adjourn the meeting at 8:27 p.m. and Ms. Hausch seconded the motion.

All voted "Aye".

Walter R. Siegel, Chairperson

Darrell C. Webster, Director/Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION September 30, 2008

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations

of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chairman Siegel called the meeting to order at 7:02 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Klco (alt. for Troy), Morse, Schaedlich, Siegel, Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Webster, Radachy, and Ms. Truesdell.

MINUTES

Mr. Morse moved and Ms. Hausch seconded the motion to approve the August 26, 2008 minutes of the Public Hearing on the Lake County Subdivision Regulations.

Six voted "Aye".
One abstained.

Mr. Zondag moved and Mr. Morse seconded the motion to approve the August 26, 2008 minutes of the Planning Commission meeting.

Six voted "Aye".
One abstained.

FINANCIAL REPORT

Ms. Hausch moved and Ms. Pesec seconded the motion to approve the August, 2008 Financial Report as submitted.

All voted "Aye".

PUBLIC COMMENT

There was no public comment.

LEGAL REPORT

There was no report from Pat Nocero, Assistant Prosecutor.

DIRECTOR'S REPORT

Mr. Webster said there are about two more meetings with Madison Township and Village.

ANNOUNCEMENTS

There were no announcements.

Mr. Siegel explained that the Perry Township Zoning Commission was meeting tonight and needed a letter from us regarding their proposed text amendment changes. The agenda order was moved to Land Use and Zoning.

LAND USE AND ZONING

Perry Township - Text Amendments to Section 213 - Conditional Uses, Definitions and Sections 301.01, 302.01, 303.01 and 304.01

Mr. Radachy said that Perry Township was adding Bed and Breakfasts to the conditional use section of their zoning text. Both Concord Township and Leroy Township have it as a conditional use.

Mr. Schaedlich arrived at 7:07 p.m.

Staff and the Land Use and Zoning Committee recommended the change with some suggestions to the conditional use:

1. The Township should require “a floor plan designating present location, exits, and evacuations routes shall be posted in each room”;
2. All Bed and Breakfasts should be ADA compliant;
3. Limit the size of Bed and Breakfasts to between 3,000 square feet to 5,000 square feet;
4. Provide an area for deliveries and dumpsters; and
5. Make sure that all agencies that have approval authority are notified and have a chance to comment.

Mr. Radachy said the home has to be owner occupied and there is no maximum size. As long as setbacks are met for an ER district of a 3-acre lot, they can build as large of a unit as they want.

Mr. Brotzman arrived at 7:13 p.m.

Mr. Morse moved and Mr. Adams seconded the motion to accept the recommendations of the Land Use and Zoning Committee for the Perry Township Text Amendments to Section 213 - Conditional Uses, Definitions and Sections 301.01, 302.01, 303.01 and 304.01 with the addition of the following suggestions to the text amendment:

1. The Township should require “A floor plan designating present location, exits, and evacuation routes shall be posted in each room”;
2. All Bed and Breakfasts should be compliant with the American with Disability Act if the Perry Township legal advisor approves it;
3. Limit the size of the Bed and Breakfasts to between 3000 to 5000 square feet;
4. Make sure that all agencies that have approval authority are notified and have a chance to comment; and
5. Each room shall have a carbon monoxide detector.

Mr. Klco, Ms. Pesec and other members discussed the relevance of ADA compliance with respect to older homes converted to bed and breakfasts. The federal law is concerned with accessibility for people with disabilities and is very specific about how structures can meet compliance. It was agreed that the ADA language will be retained as a suggestion to Perry

Township's text amendments.

Eight voted "Aye".

One opposed.

ANNOUNCEMENTS

Mr. Webster announced that members received an invitation to the Visitors Bureau Annual Meeting on October 22, 2008 and an invitation to the Lake County Development Council's Economic Forum on Wednesday, October 15, 2008.

LAND USE AND ZONING

Leroy Township - Text Amendment to Section 31 – Natural Resources Protection (Riparian Setbacks)

Mr. Radachy said that Leroy Township is adding riparian setbacks to their regulations to protect ground water and streams and landowners adjacent to the streams. Riparian setbacks will help control the flow of water. Determining setbacks is based on Chagrin River Watershed Partners model regulations. Staff also used maps from the Lake County Gazetteer developed in 1982 and the Ohio Department of Natural Resources also has watershed maps. Staff and the Soil and Water Conservation District developed a map to be used as an attachment that shows streams with the aid of the Geographic Information System. Streams are marked at 25, 75, and 120 feet. A buffer of 25 to 120 feet along the streams is needed to:

1. Preserve and conserve the quality and free flowing condition of designated watercourses, protect groundwater recharge and ground (well) water quality in the interest of promoting and protecting public health and safety.
2. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow.
3. Assist in stabilizing the banks of designated watercourses, reduce stream bank erosion, and the downstream transport of sediments eroded from such watercourse banks.
4. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in such watercourses.
5. Reduce pollutants in designated watercourses by filtering, settling, and transforming pollutants in runoff before they enter such watercourses.
6. Provide designated watercourse habitats with shade and food.
7. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system.
8. Provide riparian habitat with a wide array of wildlife by maintaining diverse and connected riparian vegetation.
9. Minimize encroachment on designated watercourses and limit the potential need for invasive measures that may otherwise be necessary to protect buildings, structures, and

uses as well as to reduce the damage to real property and threats to public health and safety within the affected watershed.

Mr. Radachy explained the following suggestions made by the Land Use and Zoning Committee:

1. Remove walls and fences from the flood plain;
2. Add language that would allow the zoning inspector to have the riparian setback marked in areas that are within 20 feet of the soil disturbing activities,
3. Require that the riparian setbacks be shown on the plot plan and the site plan; These are additions to Leroy Zoning requirements.
4. Define structural storm water management practice; there were no definitions present.
5. Review if prohibiting structural storm water management practices is the proper thing to do; and
6. Check grammar and punctuation.

The Land Use and Zoning Committee noted that other definitions were missing. Mr. Boyd did create definitions for streams and designating a watercourse. They were placed into the definitions section of the zoning code but they did not submit the definitions for review this month. Without the definitions, there is a lot of gray area that is not defined. Mr. Boyd worked with the Prosecutor's office on an initial and follow-up review.

Ms. Nocero said another prosecutor did the review but a lot of the comments he made do not appear in this version and he was concerned about that. It needed another review. They took out some language because they wanted to make it easier to understand and they took out the current language like who did the map, or who decided what the definitions are. People need to know that the definition of "watercourse" is the same definition being used by the U. S. Army Corp of Engineers.

Mr. Radachy said they set the public hearing at the last zoning commission meeting for October 13th and it can stay open for as long as the need.

Ms. Nocero said the Lake County Prosecutors are Leroy Township's legal counsel and they didn't take their advice. She wants a paper trail that says we told them what to do in case they get sued. There are no definitions. For instance, in deciding what a watercourse is, the zoning inspector has an option to either talk to Soil & Water or not. There are no standards.

Mr. Webster said we have to respond to them so they can have something for their public hearing. You can either recommend denial with reasons why, recommend modifications, or just recommend it. Your best options are to deny because of certain things or recommend approval subject to their working out the problems and working with the Prosecutor's office before it is adopted. There is continuity among these groups as to definitions: the Ohio Environmental Protection Agency, the Federal Environmental Protection Agency, Corp of Engineers, and the Soil and Water Conservation District.

Mr. Radachy said Mr. Boyd has been working with Leroy Township and will take these

comments back to them.

Ms. Pesec said it is a bad signal for us to deny it after our staff has been working for 18 months on this even though Leroy Township created a problem by not including the Prosecutor's comments.

Mr. Adams said we should deny it with explicit reasons why. He made a motion to accept Land Use and Zoning's recommendations with comments.

Mr. Webster said you could recommend adoption with reasons why Land Use and Zoning gave corrections plus the additional corrections tonight.

Ms. Nocero said that she did not think Mr. Boyd wants this to be denied because he thinks he could bring this to some conclusion. So much work has gone into this. She thinks they can get it done, especially if the Prosecutor's office goes along with this and states that they cannot do this in this manner. Approve it with recommendations from the Prosecutor's office and further recommendations from the staff and Land Use and Zoning.

Mr. Adams restated his motion to accept the Land Use and Zoning Committee's recommendations, staff's recommendations, and the Prosecutor's recommendation. Approval is based on their putting this together.

All voted "Aye".

SUBDIVISION REVIEW

Concord Township – Summerwood, Phase 1, Maintenance Bond

Mr. Radachy said that staff received a letter from the County Engineer asking Concord Township to re-inspect Summerwood Subdivision for the catch basins. It is not necessary to take action at this meeting however, Summerwood has to be untabled.

Ms. Hausch moved and Ms. Pesec seconded the motion to untable Summerwood Subdivision Phase 1 in Concord Township.

All voted "Aye".

Mr. Rick DeGeronimo of Independence Excavating said that he is trying to clarify what he needs to do to close out the project. They are hoping that after doing Concord's punch list, they will be done.

Mr. Webster said it came to the Planning Commission's attention that about six catch basins are now raised and those need to be fixed. The County Engineer does the inspections for us and will say what has to be done.

Mr. Radachy said when the County Engineer recommends approval, this Board will

request the Board of Lake County Commissioners to release the construction surety and recommend a one-year maintenance bond. As soon as that bond is accepted, the Commissioners will accept our recommendation and the County Engineer's recommendation and will allow a one-year bond.

Mr. DeGeronimo said they were aware that some catch basins needed work.

Mr. Webster recommended that Mr. DeGeronimo confer with Mr. Hadden and Mr. Gills.

Mr. DeGeronimo said they will fix the catch basins within the coming week and send a letter to Mr. Gills informing him of this.

Mr. Radachy said the question still is will we allow them to have a one-year maintenance period when they complete this punch list in a week? Then they will not have to wait until our next meeting.

Mr. DeGeronimo said waiting was not an issue.

Ms. Pesec moved and Mr. Schaedlich seconded the motion to table Summerwood Subdivision Phase 1 Maintenance Bond in Concord Township.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

Lake County Coastal Plan Committee

Mr. Webster said minutes for the Coastal Plan Committee were distributed.

CORRESPONDENCE

There was no correspondence.

OLD BUSINESS

Lake County Subdivision Regulations Changes

Mr. Radachy said that after consulting with Concord Township, there is some contradictory language with regard to sidewalks which will be rewritten. Lighting regulations were also revised.

With regard to landscaping, staff is recommending that street trees be removed since no one has done street trees in 30 years. Staff is also recommending that "No Outlet" signs have markers that say "temporary" underneath to inform people that the cul-de-sac is not permanent. Ms. Pesec requested that these signs be posted as soon as possible.

Mr. Radachy said that language will be added to include the Planning Commission and the townships in final inspections prior to the release of bonds.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There was no comment from the public.

EXECUTIVE SESSION

Mr. Zondag moved and Ms. Pesec seconded the motion to go into Executive Session at 8:10 p.m.

All voted "Aye".

Mr. Brotzman moved and Mr. Adams seconded the motion to come out of Executive Session at 8:30 p.m.

All voted "Aye".

ADJOURNMENT

Mr. Klco moved and Mr Zondag seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 8:31 p.m.